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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,549	09/27/2000	Koichi Sato	P19602	6759

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/11/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/670,549

Applicant(s)

SATO, KOICHI

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7 and 11 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 8-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Nakao et al. (U.S. Patent No. 6,636,264).**

4. Regarding *claim* 7, Nakao discloses in column 5, line 52 to column 6, line 6 an electronic still camera capable of previewing an image. A preview image is captured and before it is stored in the smart medium, a user determines whether or not the captured image is acceptable. If the image is not acceptable the user operates the cross key (46) to display the moving image again, inherently erasing the preview image. If the user decides to keep the image, the user operates the execution key (48), saving the image to the smart medium. The capture of the image is performed using the shutter button (26, col. 3, lines 1-5), which begins the recording process. The stopping of the image recording process is performed using the cross key (46). In this case

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the recording process is interpreted to be the entire process of collecting the image data, previewing the image, and making a determination as to whether or not to store the image. Inherently the camera would include a microprocessor or CPU for controlling the starting and stopping of the recording process.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakao et al. (U.S. Patent No. 6,636,264) in view of Suetaka et al. (U.S. Patent No. 5,032,930).**

7. Regarding *claim 1*, Nakao discloses in column 5, line 52 to column 6, line 6 an electronic still camera capable of previewing an image. A preview image is captured and before it is stored in the smart medium, a user determines whether or not the captured image is acceptable. If the image is not acceptable the user operates the cross key (46) to display the moving image again, inherently erasing the preview image. If the user decides to keep the image, the user operates the execution key (48), saving the image to the smart medium. The capture of the image is performed using the shutter button (26, col. 3, lines 1-5), which begins the recording process. The stopping of the image recording process is performed using the cross key (46). In this case the recording process is interpreted to be the entire process of collecting the image data,

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previewing the image, and making a determination as to whether or not to store the image.

Inherently the camera would include a microprocessor or CPU for controlling the starting and stopping of the recording process.

Nakao, however, fails to disclose that the stopping of the recording process is actuated by depressing the shutter button. Suetaka, on the other hand, discloses that it is well known in the art to use a shutter button to designate if an image should be erased. As shown in column 7, lines 30-33, Suetaka discloses that the shutter switch (17) is used to delete a designated image. By using the shutter button instead of the cross key of Nakao to delete image data, less buttons can be placed on the camera, further promoting miniaturization. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the shutter button of Nakao to designate whether or not to save or erase an image so space can be conserved and the camera can be miniaturized.

8. As for *claim 2*, Suetaka discloses that after an image is captured it can be deleted by depressing the shutter button (17). When used in conjunction with Nakao, it would have been obvious to cancel the recording operation using the shutter button.

9. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakao et al. (U.S. Patent No. 6,636,264) in view of Suetaka et al. (U.S. Patent No. 5,032,930) and further in view of Nishi (U.S. Patent No. 6,249,313).**

10. Regarding *claim 6*, as mentioned above in the discussion of claim 1, both Nakao and Suetaka disclose all of the limitations of the parent claim. However, neither of the aforementioned references discloses a photographing parameter setting processor, that after the

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recording operation is stopped, sets a first photographing parameter as a second photographing parameter. Nishi, on the other hand, discloses that it is well known in the art to use a parameter from a deleted image as a parameter for a next recording operation. More specifically, as shown in column 13, line 60 to column 14, line 3, Nishi discloses that the frame number of a deleted image is used as a frame number of the next picture taking operation. In this case, the parameter is interpreted to be a frame number. This feature allows a memory to fully control the number of frames left for recording and promotes efficient use of the memory. Therefore, it would have been obvious to carry over a parameter from a deleted image to a next image so that efficient memory use is utilized.

11. **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakao et al. (U.S. Patent No. 6,636,264) in view of Nishi (U.S. Patent No. 6,249,313).**

12. Regarding *claim 11*, as mentioned above in the discussion of claim 7, Nakao discloses all of the limitations of the parent claim. However, Nakao fails to disclose a photographing parameter setting processor that, after the recording operation is stopped, sets a first photographing parameter as a second photographing parameter. Nishi, on the other hand, discloses that it is well known in the art to use a parameter from a deleted image as a parameter for a next recording operation. More specifically, as shown in column 13, line 60 to column 14, line 3, Nishi discloses that the frame number of a deleted image is used as a frame number of the next picture taking operation. In this case, the parameter is interpreted to be a frame number. This feature allows a memory to fully control the number of frames left for recording and

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promotes efficient use of the memory. Therefore, it would have been obvious to carry over a parameter from a deleted image to a next image so that efficient memory use is utilized.

Allowable Subject Matter

13. Claims 3-5 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter:

Regarding ***claim 3***, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest stopping the recording operation by depressing the shutter button a plurality of times within a predetermined period.

As for ***claims 4 and 9***, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest stopping the recording by stopping an exposure of the imaging device.

With regard to ***claims 5 and 10***, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest stopping the recording by stopping a reading operation of an image signal from the imaging device.

Regarding ***claim 8***, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest that the recording operation is stopped by operating both the recording operation stop switch and the shutter button.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (For either formal or informal communications intended for entry. For informal or draft communications, please label **"PROPOSED"** or **"DRAFT"**)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.

John M. Villecco
3/4/04


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600